

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ALEXIS AMACKER,  
Plaintiff,

v.

JOHNSON AND JOHNSON,  
Defendant.

Case No. 16-cv-00851-DMR

**ORDER OF DISMISSAL WITHOUT  
PREJUDICE FOR FAILURE TO  
PROSECUTE; INSTRUCTIONS TO  
THE CLERK TO RETURN PAPERS TO  
PLAINTIFF**

Re: Dkt. No. 6

On February 19, 2016, Plaintiff Alexis Amacker filed a complaint against Johnson and Johnson and an application to proceed *In Forma Pauperis*. [Docket Nos. 1 and 2.]

On March 16, 2016, the court issued an order granting Plaintiff's application to proceed *In Forma Pauperis* and dismissing his complaint, due to numerous deficiencies, with leave to amend by March 31, 2016. [Docket No. 6.] The court informed Plaintiff that failure to file an amended complaint by March 31, 2016 could result in dismissal of the case without prejudice for failure to prosecute. [Docket No. 6 at 3.] Plaintiff did not file an amend complaint by March 31, 2016.

On May 2, 2016, the court received additional papers from Plaintiff. These papers do not appear to be an amended complaint. If they are intended to be an amended complaint they suffer from the same deficiencies identified in the court's prior order. Further, they are not timely, as they were submitted to the court over a month after Plaintiff's deadline to file an amended complaint.

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1 The court hereby dismisses the case without prejudice for failure to prosecute. The clerk is  
2 instructed to close the case and to return the papers received by the court on May 2, 2016 to  
3 Plaintiff.

4 **IT IS SO ORDERED.**

5 Dated: May 3, 2016



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Donna M. Ryu  
United States Magistrate Judge

United States District Court  
Northern District of California